

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kate Murashige on July 15, 2010.

Claim 28 is amended as follows:

28. (currently amended): A pharmaceutical composition comprising a compound of claim 21 ~~or claim 25~~ and a pharmaceutically acceptable excipient.

Detailed Action

This office action is a supplemental notice of allowance in which claim 28 is amended by examiner's amendment. This application is a national stage application of PCT/GB04/03511, filed August 11, 2004, which claims priority to foreign application EP03254959.1, filed August 12, 2003.

Claims 1-3, 5-15, and 17-28 are pending in this application.

Claims 1-3, 5-15, and 17-28 as amended are examined on the merits herein.

Reasons for Allowance

Currently claims 1-3, 5-15, and 17-28 are pending in this application and have been examined on the merits herein. The application as amended by the enclosed examiner's amendment is seen to be in condition for allowance. Reasons for allowance are as follows:

The claimed invention is seen to be adequately described and enabled by the specification as originally filed. Therefore the claims meet the requirements of 35 USC 112.

The claimed invention is also seen to be novel and non-obvious over the prior art. Although it is known in the art to oxidize the vicinal diol group of a sialic acid at the non-reducing end of a polysaccharide, as described by Jennings et al. or US patent 4356170, (References of record in previous action) these prior art methods and the resulting conjugates differ from the compounds and methods of the claimed invention in that the activated or conjugated end of the polysaccharide is at the non-reducing rather

than the reducing end. One of ordinary skill in the art would have had no motivation in the prior art to modify this procedure by activating the reducing end rather than the nonreducing end of the polysaccharide, especially considering that doing so introduces additional steps into the derivitization procedure and would not be expected to provide any benefit over the prior art methods described above. Therefore the claims meet the requirements of 35 USC 102 and 103.

Accordingly, the application as amended by the enclosed examiner's amendment is seen to be in condition for allowance.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled, "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric S. Olson whose telephone number is 571-272-9051. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on (571)272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric S Olson/
Examiner, Art Unit 1623
7/19/2010